

Appln. No. 10/723,444  
Amendment dated: June 8, 2005  
Response to Office Action dated March 8, 2005

### **REMARKS**

These remarks are in response to the Office Action dated March 8, 2005. This reply is timely filed. At the time of the Office Action, claims 1-26 were pending in the application. Claims 1-3, 6, 8-11 and 13 were rejected under 35 U.S.C. § 101. Claims 1-3 and 6-25 were rejected under 35 U.S.C. 102(e). Claims 4 and 5 were rejected under 35 U.S.C. 103(a). The rejections are set out in more detail below.

#### **I. Brief Review of Applicants' Invention**

Prior to addressing the Examiner's rejections, a brief review of Applicants' invention is appropriate. The invention relates to a low cost method and system for monitoring people, such as those persons who are elderly or ill, in the safety and comfort of their own homes. This enables such persons to perform their daily tasks at home, while being assured that there will be a quick response should they become incapacitated. Accordingly, the invention enables such persons to extend their time at home by delaying the necessity of a care facility.

The system monitors at least one behavioral parameter associated with a person, and compares the behavioral parameter to at least one pre-determined rule which is based upon a behavioral profile. The behavioral profile can be, for example, empirically determined based upon the person's behavioral patterns. If the behavioral parameter that is monitored does not match the behavioral profile, exception data can be transmitted from an in-home processing device to a monitoring server via a secure sockets tunnel. In addition, the monitoring server can forward a response to the processing device via a second secure sockets tunnel. Notably, the use of secure sockets tunnels insures privacy for those being monitored and reduces the risk of unauthorized access to private data.

#### **II. Claim Rejections under 35 U.S.C. § 101**

Claims 1-3, 6, 8-11 and 13 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants believe that the amendment to claim 1 presented herein addresses any concern that the Examiner may have with

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respect to statutory subject matter. Claims 2-3, 6, 8-11 and 13 depend from claim 1. Applicants therefore respectfully request that the rejection be withdrawn.

### III. Claim Rejections on the Art

Claims 1-2, 6-12 and 14-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,524,239 to Reed et al. (hereinafter "Reed"). Reed discloses a subject monitoring system that facilitates measurement, collection and analysis of data pertaining to the health status of a subject. Notably, in contrast with Applicants' invention, Reed is directed to monitoring patients within a residential care facility. *See, e.g.*, Col. 11, lines 16-18. Although Reed makes use of the Internet, such use is to enable family members to receive health summaries and billing breakdowns (col. 11, lines 30-32) and to enable doctors to have access to data (col. 11, lines 40-42).

Claims 1 and 15 recite, *inter alia*, establishing a first secure sockets tunnel (SSL tunnel) between a processing device located within a home and a monitoring server located at a monitoring station remotely located with respect to the home. The SSL tunnel enables data that is transmitted from the processing device to the monitoring station to be encrypted using secure sockets layer (SSL) algorithms, thus providing a highly secure means of transferring data that a monitored person may consider private, such as data relating to the person's behavior patterns and health. Reed fails to disclose the recited limitation. At most, Reed discloses a standard Internet link between a doctor or a family member and a healthcare facility. A standard Internet link lacks the security of an SSL tunnel and would not be suitable for continual monitoring of a person in their home. Unscrupulous computer users could intercept data sent over such a link using known methods and exploit the data in a way that may bring embarrassment to those being monitored.

Claims 1 and 15 also recite forwarding exception data from the processing device that is located within the home to the monitoring server. Hence, a person may be remotely monitored while in the comfort of their own home. Reed also fails to disclose this limitation. As previously noted, Reed is directed to monitoring patients within a residential care facility. Thus, any exceptions generated by Reed's system are not forwarded from a processing system located within a home, but instead are

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generated from a system within a residential care facility, which teaches away from the present invention. Indeed, the present invention is designed to enable the elderly and the ill to remain in their home rather than in a residential care facility. Reed, on the other hand, is concerned with assisting health providers in monitoring patients within care facilities.

Claims 18 and 27 further recite a second secure sockets tunnel linking the monitoring server and the processing device. Reed also fails to disclose this limitation. Indeed, Reed does not even contemplate that such a communication link is desirable.

Claims 3-14, 16-17 and 20-26 are believe allowable at least by virtue of their dependence on allowable base claims. Claims 2 and 19 have been canceled.


#### IV. Conclusion

It is believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Although no fee is believed due, the Commissioner is hereby authorized to charge any fees which may be due by submission of this document to Deposit Account No. 50-2884.

6/8/05  
Date

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